

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>IN RE:</b>	)	<b>CASE NO: 16-46387-399</b>
<b>JACQULYN Q DAVIS</b>	)	<b>Chapter 13</b>
	)	
	)	<b>Response Due: 02/16/2017</b>
	)	
<b>Debtor</b>	)	

**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO MAKE PLAN PAYMENTS  
AND NOTICE**

**THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING, THE DATE OF WHICH WILL BE SENT TO YOU IF YOU FILE A RESPONSE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.**

**COMES NOW** John V. LaBarge, Jr., Standing Chapter 13 Trustee in Bankruptcy, and for his Motion to Dismiss states as follows:

1. That the above-captioned case was filed on September 02, 2016. The debtor's plan proposes to pay the sum of \$550.00 per month.
2. Pursuant to 11 U.S.C. § 1326(a)(1) the debtor's first payment was due on October 02, 2016.
3. That the Trustee has received payments from the debtor over the last nine months as set forth in Exhibit A, attached hereto.
4. That the amount due to the Trustee to date is \$2,200.00 but the total paid into the plan to date is \$1,100.00.
5. That the debtor is \$1,100.00 in default through January 26, 2017.

**WHEREFORE** the Trustee prays the Court enter its order dismissing this Chapter 13 case for failure to make plan payments.

16-46387-399

**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO  
MAKE PLAN PAYMENTS AND NOTICE**

01/26/2017  
Page 2 of 2

Dated: January 26, 2017

MTDPYM--DAM

/s/ John V. LaBarge, Jr.

John V. LaBarge, Jr.  
Standing Chapter 13 Trustee  
P.O. Box 430908  
St. Louis, MO 63143  
(314) 781-8100 Fax: (314) 781-8881  
trust33@ch13stl.com

The undersigned hereby certifies that a copy of the foregoing motion and notice was served upon the following either through the Court's ECF system or by regular mail this day of January 26, 2017.

/s/ John V. LaBarge, Jr.

JACQULYN Q DAVIS  
1270 ELKHART DR  
SAINT LOUIS, MO 63135

JONATHAN EDWARD BRENT ATTY  
462 N TAYLOR  
STE 105  
ST LOUIS, MO 63108

**EXHIBIT A**

**RECEIPTS FROM 04/27/2016 TO 01/26/2017**

<b>Receipt Date</b>	<b>Receipt Amount</b>	<b>Receipt Type</b>
10/31/2016	\$550.00	MONEY ORDER FROM DEBTOR
12/08/2016	\$550.00	MONEY ORDER FROM DEBTOR